



General Assembly

February Session, 2004

Raised Bill No. 5596

LCO No. 1685

01685_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT REQUIRING A LOCAL PERMIT FOR THE RETAIL SALE OF FIREARMS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 29-28 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2004*):

4 (a) No person who sells ten or more [pistols or revolvers] firearms in
5 a calendar year or is a federally-licensed firearm dealer shall advertise,
6 sell, deliver, or offer or expose for sale or delivery, or have in such
7 person's possession with intent to sell or deliver, any [pistol or
8 revolver] firearm at retail without having a permit therefor issued as
9 provided in this subsection. The chief of police or, where there is no
10 chief of police, the warden of the borough or the first selectman of the
11 town, as the case may be, may, upon the application of any person,
12 issue a permit in such form as may be prescribed by the Commissioner
13 of Public Safety for the sale at retail of [pistols and revolvers] firearms
14 within the jurisdiction of the authority issuing such permit. No permit
15 for the sale at retail of any [pistol or revolver] firearm shall be issued
16 unless the applicant holds a valid eligibility certificate for a pistol or

17 revolver issued pursuant to section 29-36f or a valid state permit to
18 carry a pistol or revolver issued pursuant to subsection (b) of this
19 section and the applicant submits documentation sufficient to establish
20 that local zoning requirements have been met for the location where
21 the sale is to take place except that any person selling or exchanging a
22 [pistol or revolver] firearm for the enhancement of a personal
23 collection or for a hobby or who sells all or part of such person's
24 personal collection of [pistols or revolvers] firearms shall not be
25 required to submit such documentation for the location where the sale
26 or exchange is to take place.

27 Sec. 2. Subsection (a) of section 29-30 of the general statutes is
28 repealed and the following is substituted in lieu thereof (*Effective*
29 *October 1, 2004*):

30 (a) The fee for each permit originally issued under the provisions of
31 subsection (a) of section 29-28, as amended by this act, for the sale at
32 retail of [pistols and revolvers] firearms shall be one hundred dollars
33 and for each renewal thereof one hundred dollars. The fee for each
34 state permit originally issued under the provisions of subsection (b) of
35 section 29-28 for the carrying of pistols and revolvers shall be seventy
36 dollars plus sufficient funds as required to be transmitted to the
37 Federal Bureau of Investigation to cover the cost of a national criminal
38 history records check. The local authority shall forward sufficient
39 funds for the national criminal history records check to the
40 commissioner no later than five business days after receipt by the local
41 authority of the application for the temporary state permit. Thirty-five
42 dollars shall be retained by the local authority. Upon approval by the
43 local authority of the application for a temporary state permit, thirty-
44 five dollars shall be sent to the commissioner. The fee to renew each
45 state permit originally issued under the provisions of subsection (b) of
46 section 29-28 shall be thirty-five dollars. Upon deposit of such fees in
47 the General Fund, ten dollars of each fee shall be credited within thirty
48 days to the appropriation for the Department of Public Safety to a
49 separate nonlapsing account for the purposes of the issuance of

50 permits under subsections (a) and (b) of section 29-28, as amended by
51 this act.

52 Sec. 3. Subsection (b) of section 29-33 of the general statutes is
53 repealed and the following is substituted in lieu thereof (*Effective*
54 *October 1, 2004*):

55 (b) On and after October 1, 1995, no person may purchase or receive
56 any pistol or revolver unless such person holds a valid permit to carry
57 a pistol or revolver issued pursuant to subsection (b) of section 29-28, a
58 valid permit to sell at retail a [pistol or revolver] firearm issued
59 pursuant to subsection (a) of section 29-28, as amended by this act, or a
60 valid eligibility certificate for a pistol or revolver issued pursuant to
61 section 29-36f or is a federal marshal, parole officer or peace officer.

62 Sec. 4. Subsection (e) of section 29-33 of the general statutes is
63 repealed and the following is substituted in lieu thereof (*Effective*
64 *October 1, 2004*):

65 (e) Upon the sale, delivery or other transfer of any pistol or revolver,
66 the person making the purchase or to whom the same is delivered or
67 transferred shall sign a receipt for such pistol or revolver which shall
68 contain the name and address of such person, the date of sale, the
69 caliber, make, model and manufacturer's number and a general
70 description of such pistol or revolver, the identification number of
71 such person's permit to carry pistols or revolvers, issued pursuant to
72 subsection (b) of section 29-28, permit to sell at retail [pistols or
73 revolvers] firearms, issued pursuant to subsection (a) of said section, or
74 eligibility certificate for a pistol or revolver, issued pursuant to section
75 29-36f, if any, and the authorization number designated for the transfer
76 by the Department of Public Safety. The person, firm or corporation
77 selling such pistol or revolver or making delivery or transfer thereof
78 shall give one copy of the receipt to the person making the purchase of
79 such pistol or revolver or to whom the same is delivered or
80 transferred, shall retain one copy of the receipt for at least five years,
81 and shall send, by first class mail, or electronically transmit, within

82 forty-eight hours of such sale, delivery or other transfer, one copy of
83 the receipt to the Commissioner of Public Safety and one copy of the
84 receipt to the chief of police or, where there is no chief of police, the
85 warden of the borough or the first selectman of the town, as the case
86 may be, of the town in which the transferee resides.

87 Sec. 5. Subsections (a) and (b) of section 29-36l of the general statutes
88 are repealed and the following is substituted in lieu thereof (*Effective*
89 *October 1, 2004*):

90 (a) The Commissioner of Public Safety shall establish a state
91 database within one year of October 1, 1994, that any person, firm or
92 corporation who sells or otherwise transfers pistols or revolvers may
93 access, by telephone or other electronic means in addition to the
94 telephone, for information to be supplied immediately, on whether a
95 permit to carry a pistol or revolver, issued pursuant to subsection (b)
96 of section 29-28, a permit to sell at retail a [pistol or revolver] firearm,
97 issued pursuant to subsection (a) of section 29-28, as amended by this
98 act, or an eligibility certificate for a pistol or revolver, issued pursuant
99 to section 29-36f, is valid and has not been revoked or suspended.

100 (b) Upon establishment of the database, the commissioner shall
101 notify each person, firm or corporation holding a permit to sell at retail
102 [pistols or revolvers] firearms issued pursuant to subsection (a) of
103 section 29-28, as amended by this act, of the existence and purpose of
104 the system and the means to be used to access the database.

105 Sec. 6. Section 29-38b of the general statutes is repealed and the
106 following is substituted in lieu thereof (*Effective October 1, 2004*):

107 (a) The Commissioner of Public Safety, in fulfilling [his] the
108 commissioner's obligations under sections 29-28 to 29-38, inclusive, as
109 amended, and section 53-202d, shall verify that any person who, on or
110 after October 1, 1998, applies for or seeks renewal of a permit to sell at
111 retail a [pistol or revolver] firearm, a permit to carry a pistol or
112 revolver, an eligibility certificate for a pistol or revolver or a certificate

113 of possession for an assault weapon has not been confined in a hospital
114 for persons with psychiatric disabilities, as defined in section 17a-495,
115 within the preceding twelve months by order of a probate court, by
116 making an inquiry to the Department of Mental Health and Addiction
117 Services in such a manner so as to only receive a report on the
118 commitment status of the person with respect to whom the inquiry is
119 made including identifying information in accordance with the
120 provisions of subsection (b) of section 17a-500.

121 (b) If the Commissioner of Public Safety determines pursuant to
122 subsection (a) of this section that a person has been confined in a
123 hospital for persons with psychiatric disabilities, as defined in section
124 17a-495, within the preceding twelve months by order of a probate
125 court, said commissioner shall report the status of such person's
126 application for or renewal of a permit to sell at retail a [pistol or
127 revolver] firearm, a permit to carry a pistol or revolver, an eligibility
128 certificate for a pistol or revolver or a certificate of possession for an
129 assault weapon to the Commissioner of Mental Health and Addiction
130 Services for the purpose of fulfilling [his] the commissioner's
131 responsibilities under subsection (c) of section 17a-500.

132 Sec. 7. Subsection (b) of section 54-36e of the general statutes is
133 repealed and the following is substituted in lieu thereof (*Effective*
134 *October 1, 2004*):

135 (b) Firearms turned over to the state police pursuant to subsection
136 (a) of this section which are not destroyed or retained for appropriate
137 use shall be sold at public auctions, conducted by the Commissioner of
138 Administrative Services or [such] the commissioner's designee. Pistols
139 and revolvers, as defined in section 53a-3, which are antiques, as
140 defined in section 29-33, or curios or relics, as defined in the Code of
141 Federal Regulations, Title 27, Chapter 1, Part 178, or modern pistols
142 and revolvers which have a current retail value of one hundred dollars
143 or more may be sold at such public auctions, provided such pistols and
144 revolvers shall be sold only to persons who have a valid permit to sell

145 a [pistol or revolver,] firearm or a valid permit to carry a pistol or
146 revolver, issued pursuant to section 29-28, as amended by this act.
147 Rifles and shotguns, as defined in section 53a-3, shall be sold only to
148 persons qualified under federal law to purchase such rifles and
149 shotguns. The proceeds of any such sale shall be paid to the State
150 Treasurer and deposited by the State Treasurer in the forfeit firearms
151 account within the General Fund.

This act shall take effect as follows:	
Section 1	<i>October 1, 2004</i>
Sec. 2	<i>October 1, 2004</i>
Sec. 3	<i>October 1, 2004</i>
Sec. 4	<i>October 1, 2004</i>
Sec. 5	<i>October 1, 2004</i>
Sec. 6	<i>October 1, 2004</i>
Sec. 7	<i>October 1, 2004</i>

Statement of Purpose:

To require any person who sells any type of firearm at retail, not just pistols and revolvers, to have a permit for such sale issued by the local police or other governmental authority.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]